



Talbot County Planning Commission
Final Decision Summary

Wednesday, May 20, 2020 at 9:00 a.m.
Wye Oak Room, Talbot Community Center

Attendance:

Commission Members:

Phillip “Chip” Councell, Chairman
Lisa Ghezzi
Paul Spies
Michael Strannahan

Attended by Teleconference:
William Boicourt, Vice Chairman

Staff:

Mary Kay Verdery, Planning Officer
Anthony Kupersmith, County Attorney
Mary O’Donnell, Assistant County Attorney
Ray Clarke, County Engineer
Miguel Salinas, Assistant Planning Officer
Elisa Deflaux, Planner II

1. Call to Order—Commissioner Councell called the meeting to order at 9:00 a.m.

2. New Business

- a. Applicant:** Paul Gurbel
File No.: MV32
Agent: Brett Ewing, Lane Engineering, LLC
Request: Minor Variance – Renovation of dwelling
Location: 7862 Church Neck Road, St Michaels MD
Zoning: Map 32, Parcel 24; Zone: RC

Elisa Deflaux presented the staff report regarding this application. The applicant is seeking approval of the following minor variance to a legal nonconforming dwelling in the Shoreline Development Buffer (Buffer) as follows:

1. Add a set of steps and a walkway connection between the brick patio and the residence at a distance of 78.8’ at the closest point from Mean High Water (MHW). The current closest point (dwelling) to MHW is 74’.

Should the Commission grant sketch approval, the staff recommends the following conditions:

- 1) The applicants shall make an application to the Office of Permits and Inspections, and follow all rules, procedures, and construction timelines as outlined regarding new construction.
- 2) The applicants shall commence construction of the proposed improvements within eighteen (18) months from the date of the Planning Office’s ‘Notice to Proceed’.
- 3) The applicants shall be required to provide a buffer management plan to mitigate for the new lot coverage in the shoreline development buffer at a ratio of 3 times the disturbance associated with this project.

Brett Ewing summarized the project on behalf of the applicant.
Commissioner Councill, asked for public comments. No comments were made.

Commissioner Ghezzi moved to approve the Minor Variance Request for Paul Gurbel, located at 7862 Church Neck Road, St Michaels, MD, with the condition that the applicant address the recommended staff conditions. Commissioner Strannahan seconded the motion. The motion carried unanimously.

b. Applicant: Tilghman on the Chesapeake
File No: L1341
Agent: Brett Ewing, Lane Engineering, LLC
Request: 1. Sketch Major Revision Plat
2. Waiver-Median lot size
Location: Spinnaker Way, Tilghman MD 21671
Zoning: Map 44, Parcel 49; Zone: VM

Elisa Deflaux presented the staff report regarding this application. The applicant is requesting Major Revision Plat – Sketch Plan approval for the purpose of consolidating 26 lots to 6 lots, changing the designation of Spinnaker Lane from a public to a private road and abandoning Topsail Court, Springline Court and the Open Space for a Phase V, Stormwater Management parcel. The current average lot size for the 26 lots is .306 acres, whereas the newly configured 6 lots will have an average lot size of 1.68 acres.

According to § 190-71.2.A.1 & 4., any revision plat that results in a modification of a public or private road and revision and consolidation of lots that significantly affect the layout of the subdivision, requires a Major Revision Plat approval. The Talbot County Planning Commission is the approving authority for all Major Revision Plats consistent with § 190-71.4.B. Additionally, the applicant is seeking a waiver of the median lot size in accordance with §190-10.4.B.2 with a finding that a “larger lot size will result in a better site design or is necessary due to the site’s physical constraints”.

Should the Commission approve the Major Revision Plat – Sketch Plan, staff recommends the approval be subject to the following condition:

1) Address the April 30, 2020 TAC comments from the Department of Planning & Zoning, Department of Public Works, Environmental Health Department, and Talbot Soil Conservation District prior to the Preliminary Plat submittal.

Brett Ewing spoke on behalf of the applicant. In summary, twelve years ago this property was approved for a twenty-six-lot subdivision and it remains undeveloped. Mr. Ewing believes the current market is for larger lots. They are modifying the subdivision into six larger lots to meet that market. The previous plan included a public road to access the lots. However, due to the reduction in lots, they are requesting that a private road is used instead.

Commissioners discussed at length the subdivision's consistency with the Tilghman Village Master Plan. The proposed six lots are larger than the median lot size listed in the Tilghman Island Master Plan. They also noted that the property is further out from the historic center, yet still in the village and other existing lots on Spinnaker Way are larger than the median. Commissioners Spies stated reconfiguring these lots to meet the median lot size would create community lots which have been neglected in other developments. Commissioner Ghezzi also had concerns about maintaining a private road. Several Commissioners discussed the County's investment in public sewer and not leveraging the investment to serve a greater number of lots in conformance with the Village Mixed zoning district and the Tilghman Village Master Plan. Commissioner Councell does not believe that this project is consistent with the master plan or the Comprehensive Water and Sewer Plan policies. Talbot County has designated this area for growth and development and a reduction to six (6) lots may not be in the best interest of the County.

Commissioner Councell, asked for public comments. No comments were made.

Commissioner Strannahan moved to approve the Sketch Major Revision Plat and Waiver for Tilghman on the Chesapeake, located at Spinnaker Way, Tilghman, MD 21671, with all staff recommendations. The motion failed due to lack of a second.

Commissioners, Staff and applicants discussed the applicant's options. Mary Kay Verdery, Planning Officer, referenced § 190-68 Sketch Plan procedures; if the Planning Director issues a notice of noncompliance, the applicant may submit an amended sketch plan within nine months from the date of the notice.

Commissioner Strannahan moved to not approve the Sketch Major Revision Plat and Waiver and to issue the Notice of Noncompliance for Tilghman on the Chesapeake, located at Spinnaker Way, Tilghman, MD 21671. Commissioner Ghezzi seconded the motion. The motion carried (4 to 1, Spies opposed).

- c. Applicant:** Fairview Congregation, Church of Brethren
File No.: 20-1707
Agent: Zach Smith, Armistead, Lee, Rust & Wright, P.A.
Request: Modification to Special Exception – 2,012 sq. ft. building footprint addition
Location: 11243 Chapel Road, Cordova, MD 21625
Zoning: Map 12, Grid 20, Parcel 38; Zone: AC

Elisa Deflaux presented the staff report regarding the application. The applicant is requesting a Modification to a Special Exception to expand and continue the use of a two-story church with a basement. Associated with the application is a request to the Board of Appeals for a Non-Critical Area Variance of the 50' required front yard setback to construct a 2,012 square foot Gross Floor Area addition 31' from the front property line at its closest point. Should the Planning Commission elect to recommend approval for this Modification to the Special Exception for a church expansion, staff recommends the following condition:

1) The applicant shall take all the required steps and acquire all necessary approvals including, any additional waivers necessary, required for a Site Plan and Landscaping Plan as spelled out in the *Talbot County Code*.

Mr. Brett Ewing, Lane Engineering, LLC, represented Fairview Congregation Church of the Brethren. Mr. Ewing gave a brief overview of the project history and the current project. The Church went through the proper Planning and Zoning process in 2018 and the project was approved for an addition. The Church even started the permit process. Due to the large expenses related to the previous plan, the Church decided to redesign and reduce the size of the addition. During this time the project expired.

Commissioner Councill, asked for public comment. No comments were made.

Commissioner Spies moved to recommend to the Board of Appeals to allow the Modification to the Special Exception for Fairview Congregation Church of the Brethren, 11243 Chapel Road, Cordova, Maryland, with all staff conditions being complied with. Commissioner Strannahan seconded the motion. The motion carried unanimously.

d. Applicant: John Ell
File No: W-20-002
Agent: Brett Ewing, Lane Engineering, LLC
Request: Waiver-Pier on new lot
Location: 8190 Beechley Rd, Wittman, MD 21676
Zoning: Map 30, Grid 6, Parcel 10; RC

Elisa Deflaux presented the staff report regarding this application. The applicants are requesting a waiver to allow an existing pier to remain on a newly created lot where no residential principle or primary use has been established consistent with §190-33.1B3. According to the *Talbot County Code* §190-62.3D., decisions on waivers associated with small-scale subdivisions shall be made by the Planning Commission.

Should the Planning Commission approve the waiver request to allow a pier to remain on Lot 2, staff recommends the approval be subject to the following condition:

1) The applicant shall provide annual status reports to the Department of Planning and Zoning on the establishment of the residence on Lot 2.

Brett Ewing provided a summary of the project. The pier is already existing. The main dwelling is being subdivided. The applicant has been going through the proper Planning and Zoning process. If approved today they will be ready to submit mylars.

Commissioner Councill, asked for public comments. No comments were made.

Commissioner Ghezzi moved to approve the Waiver-Pier request for John Ell, 8190 Beechley Rd, Wittman, MD 21676. Commissioner Strannahan seconded the motion. The motion carried unanimously.

e. **Applicant:** Matthew Chapman
File No.: L1340
Agent: Chris Waters, Davis, Bowen & Friedel, Inc.
Request: Sketch Major Revision Plat
Location: 6293 Manadier Rd, Easton, MD 21601
Zoning: Map 43, Grid 20, Parcel 09; Zone: AC

Elisa Deflaux presented the staff report regarding this application. The applicants are requesting Major Revision Plat-Sketch Plan approval for the purpose of reconfiguring the reserved land area to add more buildable area behind the house for an accessory structure. According to §190-71.2A.2., any revision plat that results in the modification or relocation of reserved land, common space open space or land under reservation of development rights restrictions requires Major Revision Plat approval. The Talbot County Planning Commission is the approving authority for all Major Revision Plats consistent with §190-71.4. B. The purpose of the sketch plan is to indicate to the County the intent and scope of the subdivision and to familiarize the applicant with the County's planning goals and local, state and federal requirements which may affect the subdivision. Approval of a sketch plan does not imply certain approval of the plat but is intended to enable the applicant to determine the general feasibility of the plan prior to incurring extensive costs for detailed surveying and engineering work.

Should the Planning Commission approve the request, staff recommends the approval be subject to the following condition:

1) Address the April 30, 2020 TAC comments from the Department of Planning & Zoning, Department of Public Works, Environmental Health Department and Talbot Soil Conservation District prior to the Preliminary Plat submittal.

Chris Waters spoke on behalf of the applicant. Commissioner Ghezzi had some concerns. She asked Elisa if the pool deck in the reserve land is considered a violation. Elisa responded that it is currently a violation, but the approval of the revision plat would resolve the issue. If the revision plat is not approved, they would need to remove all the structures in the reserve land. Commissioner Ghezzi also asked if a playground was allowed to be built over the septic tank. Mary Kay Verdery responded the determination is made by Environmental Health. Chris Waters noted that although Anne Morse from Environmental Health did not mention the playground in her comments, she did ask for the relocation of a portion of the fence in the reserve land. Commissioner Councill confirmed with Chris Waters that the applicant did not know that, when constructed, the pool was in the reserve land.

Commissioner Councill, asked for public comments. No comments were made.

Commissioner Spies moved to approve the Sketch Major Revision Plat for Matthew Chapman, located at 6293 Manadier Rd, Easton MD 21601, Commissioner Strannahan seconded the motion. The motion carried (4 to 1, Ghezzi opposed).

237 **f. Applicant:** Udo & Cornelia Heckenbach
238 **File No:** M1165
239 **Agent:** Elizabeth Fink of Fink, Whitten & Associates, LLC
240 **Request:** Final Small Scale 4 Lot Subdivision
241 **Location:** 23722 St. Michaels Road, McDaniel, MD 21647
242 **Zoning:** Map 14, Grid 24, Parcel 10; Zone: RC/WRC

243 Elisa Deflaux presented the staff report regarding this application. The applicants are
244 requesting Final Plat approval for a Small-Scale Subdivision to reconfigure Tax Parcel 10
245 into 4 buildable lots and establishing a 40' wide private road right of-way on a property
246 located at 23722 St. Michaels Road, McDaniel, Maryland. Although the subdivision plat
247 is listed as a major subdivision, the parcel is classified as a Tier IV septic tier designation
248 and creates less than eight new lots. Due to the creation of a private road, the project
249 meets the definition of a small-scale subdivision. According to the Talbot County Code
250 §190-70.5., decisions on small-scale subdivision plans shall be made by the Planning
251 Commission.

252
253 Should the Planning Commission approve the Final Small Scale Subdivision, staff
254 recommends approval be subject to the following condition:
255 1). Address the April 30, 2020 TAC comments from the Department of Planning &
256 Zoning, Department of Public Works, Environmental Health Department, and Talbot Soil
257 Conservation District prior to the CRM Plat submittal.

258
259 Elizabeth Fink spoke on behalf of the applicant. The project has been to the Planning
260 Commission before. Since then, the applicant has worked with staff regarding a planting
261 plan and buffer establishment. There have been site visits and trips to Annapolis but
262 together they have found a solution. Commissioner Boicourt commended everyone for
263 working together on this.

264
265 Commissioner Councill, asked for public comments. No comments were made.
266

267 **Commissioner Spies moved to approve the Final Small-Scale 4 Lot Subdivision for**
268 **Udo & Cornelia Heckenbach, 23722 St. Michaels Road, McDaniel, MD 21647.**
269 **Commissioner Ghezzi seconded the motion. The motion carried unanimously.**
270

271 **g. Applicant:** Department of Planning and Zoning
272 **Agent:** Miguel Salinas, Assistant Planning Officer
273 **Request:** Recommendation to County Council
274 **Project:** Maryland Department of Planning Annual Report
275

276 Miguel Salinas presented the Maryland Department of Planning Annual Report. As
277 required by the General Assembly since 1952, under Land Use Article §1-207 (basic
278 requirements), §7-104 (adequate facilities reporting requirements), and §1-208 (measures
279 and indicators), all planning commissions and planning boards with planning and zoning
280 authority are required to prepare and submit an annual report. The calendar year 2019
281 report is due by July 1, 2020, or as soon as possible. The Maryland Department of
282 Planning (MDP) compiles and analyzes this information to measure the state's progress

283 toward meeting its smart growth goals, such as concentrating new development in
284 Priority Funding Areas. The information is also essential for MDP's Summary of Local
285 Government Annual Reporting submitted to the General Assembly. Staff is requesting
286 the Planning Commission approve the Annual Report. A copy of the Annual Report will
287 be filed with the County Council.

288
289 Commissioners commended Miguel Salinas on the quality of the report. Commissioner
290 Councill noted that the County was not able to preserve any local land in 2019. He asked
291 about the donated easements. Miguel will provide potential acreage that will go into
292 easement.

293
294 **Commissioner Strannahan moved to approve the acceptance of the County's**
295 **Maryland Department of Planning Annual Report including the five-year cycle**
296 **Report. Commissioner Ghezzi seconded the motion. The motion carried**
297 **unanimously.**

298
299 **h. Applicant:** McMiles, LLC, Owner

300 **Request:** Recommendation to County Council. Consideration of consistency
301 with the Talbot County Comprehensive Plan.

302 **Project:** Resolution 283

303
304 Resolution 283 as introduced proposes to amend the Talbot County Comprehensive
305 Water and Sewer Plan to authorize a single sewer connection and single equivalent
306 dwelling unit of wastewater treatment capacity to each buildable lot of land created
307 pursuant to a pending major lot line revision plat titled "Major Line Revision on the
308 Lands of McMiles, LLC in the First Election District Talbot County, Maryland Tax
309 Map 24, Grid 24, Parcel 118, Lots 43-49", prepared by Lane Engineering, LLC and
310 dated November 19, 2019.

311
312 Miguel Salinas, Assistant Planning Officer and Ray Clarke, County Engineer spoke
313 on this project.

314
315 **Commissioner Spies moved to approve the Recommendation to County Council**
316 **to find Resolution 283 consistent with the Talbot County Comprehensive**
317 **Plan. Commissioner Strannahan seconded the motion. The motion carried**
318 **unanimously.**

319
320 (See Deposition from the Court Reporter, Diane Houlihan, dated May 20, 2020)

321 Transcript from Court Reporter is currently located at

322 [http://www.talbotcountymd.gov/index.php?page=Planning Commission](http://www.talbotcountymd.gov/index.php?page=Planning_Commission)

323
324
325 **3. Decision Summary Approval (Number 4 on the Agenda)**

326 a. February 5, 2020

Correction date February 5, 2020

265- Spelling of name Girard

276- Change motion carried (4-1) to (4). Commissioner Boicourt Abstained

Commissioner Strannahan moved to approve the Decision Summary Approval for February 5, 2020 with the recommended amendments. Commissioner Spies seconded the motion. The motion carried unanimously.

4. Discussion Items (Number 5 on the Agenda) —None

5. Work Sessions

6. Commission Matters-None

7. Staff Matters (Number 6 on the Agenda)

- a. Mary Kay Verdery explained that Bill 1443, an amendment to Chapter 190 to improve and clarify short-term rental process and safety standards, expired on May 14, 2020. The expiration was due to the inability to have public participation in meetings during the COVID-19 pandemic. The County Council will pick this topic back up at a later time.

Commissioner Ghezzi moved to adjourn at 11:25 pm for lunch. Commissioner Spies seconded the motion. The motion carried unanimously

Call to Order—Commissioner Councell called the meeting back to order at 12:10 p.m.

b. **Applicant:** Department of Planning and Zoning

Agent: Miguel Salinas, Assistant Planning Officer

Request: Recommendation to the County Council

Project: Draft Cordova Village Master Plan

POSTPONED UNTIL JUNE 3, 2020 AGENDA

c. **Applicant:** Department of Planning and Zoning

Agent: Miguel Salinas, Assistant Planning Officer

Request: Recommendation to the County Council

Project: Draft Working Waterfront Overlay District

POSTPONED UNTIL JUNE 3, 2020 AGENDA

8. Old Business-from February agenda

Applicant: Town of Trappe & Trappe East Holdings Business Trust

Request: Consideration of Amendment No. 1 for consistency with the Talbot County Comprehensive Plan

Project: Resolution 281

Resolution 281 as introduced proposes to amend the Talbot County Comprehensive

Water and Sewer Plan to reclassify and remap portions of certain real property located in the town of Trappe, Maryland, associated with the Lakeside Planned Unit Development (The “Lakeside Project”) (formerly known as “Trappe East”), further described as Tax Map 54, Parcel 304; Tax Map 55, Parcels 14, 15, 17, 19, 44, 65, 83, and 85; and, Tax Map 59, Parcel 4, the total area consisting of eight hundred sixty-five acres, more or less (the “Property”), from “S-2” and “W-2” (areas where improvements or extensions to existing, or construction of new community, multi-use, or shared sanitary facilities are programmed for progress within three to five years) to “S-1” and “W-1” (areas served or to be served by community, multi-use, or shared sanitary facilities which are existing, under construction, or have immediate priority status); to amend the Plan to add certain water and sewer capital projects related to the Lakeside Project and existing systems for the fiscal years 2020 through 2030; and, to amend the Plan to update the narrative description in the Plan relative to the Lakeside Project and existing systems.

The following people spoke regarding this Resolution:

- Ray Clarke, County Engineer
- Ryan Showalter, Attorney at McAllister, DeTar, Showalter & Walker
- Miguel Salinas read some comments from the public that were placed on record from Alan Girard, Lynn Harris, Jessie Hammock, Bruce Armstead and a letter and video submitted by Steven Harris.
- Steven Harris
- Alan Girard of Chesapeake Bay Foundation
- Jesse Hammock of Parker, Goodman, Gordon & Hammock, LLC

Commissioner Strannahan moved to keep the record open for written comments until the close of business June 2, 2020. Resolution 281 will be placed on the June 3, 2020, Planning Commission Agenda as Old Business. No additional testimony will be heard at the June 3, 2020 meeting. Commissioner Spies seconded the motion. The motion carried unanimously.

(See Deposition from the Court Reporter, Diane Houlihan, dated May 20, 2020)

Transcript from Court Reporter is currently located at
http://www.talbotcountymd.gov/index.php?page=Planning_Commission

9. Adjournment

Commissioner Strannahan moved to adjourn the meeting at 2:20 p.m.

Commissioner Ghezzi seconded the motion. The motion carried unanimously